

Congress of the United States
Washington, DC 20515

July 8, 2020

The Honorable William Barr
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Attorney General Barr:

I write to request that the Department of Justice immediately open an investigation into the egregious abuse of power by Fulton County District Attorney (DA) Paul Howard. On June 18, 2020, DA Howard announced his decision to charge two Atlanta Police Department (APD) officers with a litany of crimes, including felony murder, for their involvement in the shooting that resulted in the death of Rayshard Brooks. As explained below, the timing of these charges – prior to completion of the investigation and prior to presentment before a grand jury – combined with other factors strongly suggests that DA Howard is allowing political pressure to influence his handling of the investigation and is denying these officers of their right to fair treatment under the law.

As you know, on June 12, 2020, Rayshard Brooks was shot and killed in the course of an arrest by two APD officers. Available video footage of the incident shows that after administering a breathalyzer test, the officers attempted to arrest Mr. Brooks, at which point he resisted and initiated a physical altercation with the two officers. During the altercation, Mr. Brooks took possession of one of the officer's tasers. The altercation ended when one of the officers shot Mr. Brooks as he fired the taser at the officers.

The Georgia Bureau of Investigation (GBI) immediately opened an investigation into the officer-involved shooting, as is standard in cases such as this. However, less than five days after the incident, DA Howard held a press conference during which he announced charges against both officers, including charges of felony murder against Officer Garrett Rolfe. To say that this was an unusual and irresponsible decision would be understatement. Not only had GBI not completed their investigation, they were not even informed by DA Howard's office that he would be holding a press conference.

DA Howard – who is in the middle of a contentious primary runoff for his re-election – made his decision to prosecute the officers involved prior to completion of the GBI's investigation and without presenting the evidence to a grand jury, a process specifically created to act as a shield for the innocent and to protect against prosecutorial abuse. According to DA Howard's own words at the press conference, this is only the fourth time his office has filed felony charges prior to indictment. This statement should disturb every American. Grand juries protect the innocent and guard against rogue prosecutors. If DA Howard believes that grand juries should not exist in

cases where the defendant is a law enforcement officer, he should be immediately removed from his position.

DA Howard's lengthy and detailed description of the incident to the press included numerous "statements of fact" and material omissions that stand in contrast with the widely available video footage of the incident. For example, during his initial presentation, DA Howard stated that Mr. Brooks "never presented himself as a threat to the officers" when, in fact, widely available video footage shows Mr. Brooks wrestling with and punching the officers immediately prior to the shooting.

DA Howard also failed to mention that Mr. Brooks fired a taser at the officers immediately before the officer fired his weapon at Mr. Brooks. Notably, two weeks prior to this incident, DA Howard stated, "a taser is considered a deadly weapon under Georgia law," leaving reasonable minds to wonder why he stated Mr. Brooks "never presented himself as a threat to the officers" if he believes a taser is considered a deadly weapon.

DA Howard's actions since the press conference have further indicated that he is intentionally mistreating these officers. At the bond hearing for Officer Rolfe, the DA's office implored the court to order that he be held without bond, and that if bond was to be set, that it be set at \$1 million and combined with a litany of irrelevant conditions, such as agreeing to permit a search of his text messages for evidence. Such a demand is preposterous. To demand Officer Rolfe be held behind bars, pending trial, for his actions in the Rayshard Brooks case – actions that have yet to be fully investigated by the GBI – is a dangerous precedent and a signal that DA Howard is not considering justice in this case, he is considering re-election.

As someone who has dedicated their career to the pursuit of justice, you understand that our Founders intended for our justice system to be blind – blind to race, blind to socioeconomic status, and blind to politics. Not only should our justice system pursue actual, tangible justice, it should also pursue the appearance of justice. Georgians must have confidence that both the process and the outcome of this case is devoid of any and all political influence. Unfortunately, Georgians have rightfully lost that confidence in DA Howard.

I ask that you engage any and all Department of Justice resources you consider appropriate to ensure that these officers are treated fairly under the law, and are not subject to abrogation of their right to be treated fairly under the law simply because they are law enforcement officers. In times like these, Americans expect our criminal justice system to fervently pursue the truth. I hope that the outcome of this case will reflect that goal.

Sincerely,

A handwritten signature in blue ink that reads "Doug Collins". The signature is fluid and cursive, with "Doug" on the first line and "Collins" on the second line.

Doug Collins
Member of Congress